



COPY OF PAPERS  
ORIGINALLY FILED

3731

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/663,250
Filing Date	09/15/2000
First Named Inventor	David G. Matsuura
Group Art Unit	3731
Examiner Name	Daniel Davis
Attorney Docket Number	015US1

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><div style="text-align: center;"><b>RECEIVED</b><br/>Postcard<br/>AUG 19 2002<br/>TECHNOLOGY CENTER POSTCO</div> |
|---|---|---|

Remarks

Amendment/Reply is a "Response to Restriction Requirement" under 37 CFR 1.143 (8 pages).

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Jonathan D. Spangler, Esq.

Signature

Date

08/08/2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

August 8, 2002

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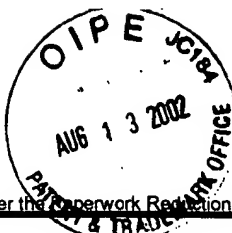
Michael Mancuso

Signature

Date

08/08/2002

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PTO/SB/17 (10-01)

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 55.00

## Complete if Known

Application Number	09/663,250
Filing Date	09/15/2000
First Named Inventor	David G. Matsuura
Examiner Name	Daniel J. Davis
Group Art Unit	3731
Attorney Docket No.	015US1

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-2040  
Deposit Account Name: NuVasive, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) \_\_\_\_\_

### 2. EXTRA CLAIM FEES

Total Claims: \_\_\_\_\_  
Independent Claims: \_\_\_\_\_  
Multiple Dependent: \_\_\_\_\_

Extra Claims: -20\*\* = \_\_\_\_\_ X Fee from below = \_\_\_\_\_  
-3\*\* = \_\_\_\_\_ X Fee from below = \_\_\_\_\_

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) \_\_\_\_\_

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 55.00

## SUBMITTED BY

Name (Print/Type): Jonathan D. Spangler  
Signature: \_\_\_\_\_

Registration No. 40,182  
(Attorney/Agent)

## Complete (if applicable)

Telephone: 858-243-0029  
Date: 08/08/2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT  
Application Serial No. 09/663,250  
Attorney Ref. No. 015US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of )  
David G. Matsuura et al. ) Group Art Unit: 3731  
App. Ser. No. 09/663,250 )  
Filed: September 15, 2000 ) Examiner: Daniel J. Davis  
For: ANNULOTOMY CLOSURE )  
DEVICE )

*T.D.*  
*8.28-02*  
*#7/a*  
*Elab*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patent, Washington, D.C. on this date:

Date:

Aug 8, 2002

Signature:

*[Signature]*

Printed Name: Michael Mancuso

**RESPONSE TO RESTRICTION REQUIREMENT**  
**UNDER 37 C.F.R. 1.143**

RECEIVED

AUG 19 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Dear Sir:

In response to the restriction requirement mailed June 12, 2002, having a shortened statutory period for response which expired July 12, 2002, Applicants hereby traverse the requirement with respect to Groups I (Claims 1-15) and II (Claims 16-29) and provisionally elect Group I (Claims 1-15) under 37 C.F.R. 1.143 for prosecution on the merits, as well as newly added Claims 39-41. In addition, Applicants request that the claims be amended as follows: